



## FACSIMILE COVER SHEET

Date: Aug. 19, 2008

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<b>To:</b>	<b>Mall Stop PETITIONS</b> Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	<b>Facsimile:</b>	(571) 273-8300
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<b>From:</b>	<b>VERENIUM CORPORATION</b> (Customer No. 29062) Intellectual Property Department P.O. Box 910550 San Diego, California 92121-0550 USA	<b>Facsimile:</b>	(858)526-5796
		<b>Phone:</b>	(858)526-5450
		<b>e-mail:</b>	Rick.delatorre@verenium.com

<b>Re:</b>	<b>Application No.:</b>	09/580,515	<b>Filed:</b>	25-May-2000
	<b>Patent No.:</b>	6,720,014	<b>Issued:</b>	13-Apr-2004
	<b>Examiner:</b>	D. Ramirez	<b>Group Art Unit:</b>	1652
	<b>Customer No:</b>	29062	<b>Confirmation No.:</b>	9360
	<b>Inventor(s):</b>	Short		
	<b>Title:</b>	Phytase-containing foodstuffs and methods of making and using them		
	<b>Attorney Docket:</b>	564462001821/D1370-4US		

Transmittal Form		Page(s)
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Petition for Correction of Inventorship 37 CFR 1.324		2
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Completed SB/44 Certificate of Correction		1
Petition Fee Transmittal and Duplicate		2
Total pages (including this page):		16

Certificate

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of Correction

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<b>TRANSMITTAL FORM</b>	Application Number	09/580,515; Patent Number: 6,720,014
	Filing Date	May 25, 2000; Issue Date: Apr. 13, 2004
	First Named Inventor	Short
	Art Unit	1652
	Examiner Name	D. Ramirez
(to be used for all correspondence after initial filing)		
Total Number of Pages in This Submission	15	Attorney Docket Number 564462001821/D1370-4US

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Petition for Corr. of Inventors under 37 CFR 1.324 (2 pages) See Remarks for other enclosures
Remarks Statement - Jay Short (2 pages); Statement - Keith Kretz (2 pages); Statement under 37 CFR 3.73(b) (1 page); Consent of Assignee (1 page); Substitute Declaration (3 pages); Completed Form SB/44 Certificate of Correction (1 page)		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm Name	Verenium Corporation	
Signature		
Printed name	Lynn M. Linkowski	
Date	8/19/08	Reg. No. 47,320

CERTIFICATE OF TRANSMISSION/MAILING		
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:		
Signature		
Typed or printed name	Rick de la Torre	Date 8/19/08

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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<b>PETITION FEE</b> <b>Under 37 CFR 1.17(f), (g) &amp; (h)</b> <b>TRANSMITTAL</b> (Fees are subject to annual revision) Send completed form to: Commissioner for Patents P.O. Box 1450, Alexandria, VA 22313-1450	<b>Application Number</b>	09/580,515; Issued 6,720,014
	<b>Filing Date</b>	May 25, 2000; Issued Apr. 13, 2004
	<b>First Named Inventor</b>	Short
	<b>Art Unit</b>	1652
	<b>Examiner Name</b>	D. Ramirez
	<b>Attorney Docket Number</b>	564462001821/D1370-4US

Enclosed is a petition filed under 37 CFR 1.324 that requires a processing fee (37 CFR 1.17(f), (g), or (h)). Payment of \$ 130.00 is enclosed.

This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition), if applicable. For transmittal of processing fees under 37 CFR 1.17(f), see form PTO/SB/17i.

**Payment of Fees** (small entity amounts are NOT available for the petition fees)

☒ The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 500661:

☒ petition fee under 37 CFR 1.17(f), (g) or (h) ☒ any deficiency of fees and credit of any overpayments

Enclose a duplicative copy of this form for fee processing.

☐ Check in the amount of \$ \_\_\_\_\_ is enclosed.

☐ Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

**Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1462**

For petitions filed under:

§ 1.36(a) - for revocation of a power of attorney by fewer than all applicants

§ 1.53(a) - to accord a filing date.

§ 1.57(a) - to accord a filing date.

§ 1.182 - for decision on a question not specifically provided for.

§ 1.183 - to suspend the rules.

§ 1.378(e) - for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.

§ 1.741(b) - to accord a filing date to an application under § 1.740 for extension of a patent term.

**Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1463**

For petitions filed under:

§ 1.12 - for access to an assignment record.

§ 1.14 - for access to an application.

§ 1.47 - for filing by other than all the inventors or a person not the inventor.

§ 1.59 - for expungement of information.

§ 1.103(a) - to suspend action in an application.

§ 1.136(b) - for review of a request for extension of time when the provisions of section 1.136(a) are not available.

§ 1.295 - for review of refusal to publish a statutory invention registration.

§ 1.296 - to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.

§ 1.377 - for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.

§ 1.550(c) - for patent owner requests for extension of time in *ex parte* reexamination proceedings.

§ 1.956 - for patent owner requests for extension of time in *inter partes* reexamination proceedings.

§ 6.12 - for expedited handling of a foreign filing license.

§ 5.15 - for changing the scope of a license.

§ 5.25 - for retroactive license.

**Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464**

For petitions filed under:

§ 1.19(g) - to request documents in a form other than that provided in this part.

§ 1.84 - for accepting color drawings or photographs.

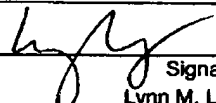
§ 1.91 - for entry of a model or exhibit.

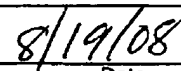
§ 1.102(d) - to make an application special.

§ 1.138(c) - to expressly abandon an application to avoid publication.

§ 1.313 - to withdraw an application from issue.

§ 1.314 - to defer issuance of a patent.

  
 \_\_\_\_\_  
 Signature  
 Lynn M. Linkowski  
 \_\_\_\_\_  
 Typed or printed name

  
 \_\_\_\_\_  
 Date  
 47, 320  
 \_\_\_\_\_  
 Registration No., if applicable

This collection of information is required by 37 CFR 1.17. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 5 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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<b>PETITION FEE</b> <b>Under 37 CFR 1.17(f), (g) &amp; (h)</b> <b>TRANSMITTAL</b> (Fees are subject to annual revision)	Application Number	09/580,515; Issued 6,720,014	
	Filing Date	May 25, 2000; Issued Apr. 13, 2004	
	First Named Inventor	Short	
	Art Unit	1652	
	Examiner Name	D. Ramirez	
Send completed form to: Commissioner for Patents P.O. Box 1450, Alexandria, VA 22313-1450		Attorney Docket Number	584462001821/D1370-4US

Enclosed is a petition filed under 37 CFR 1.324 that requires a processing fee (37 CFR 1.17(f), (g), or (h)). Payment of \$ 130.00 is enclosed.

This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition), if applicable. For transmittal of processing fees under 37 CFR 1.17(f), see form PTO/SB/17i.

**Payment of Fees** (small entity amounts are NOT available for the petition fees)

☒ The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 500861:

☒ petition fee under 37 CFR 1.17(f), (g) or (h) ☒ any deficiency of fees and credit of any overpayments

Enclose a duplicative copy of this form for fee processing.

☐ Check in the amount of \$ \_\_\_\_\_ is enclosed.

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**Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1462**

For petitions filed under:

- § 1.38(a) - for revocation of a power of attorney by fewer than all applicants
- § 1.53(e) - to accord a filing date.
- § 1.57(a) - to accord a filing date.
- § 1.182 - for decision on a question not specifically provided for.
- § 1.183 - to suspend the rules.
- § 1.378(e) - for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.
- § 1.741(b) - to accord a filing date to an application under § 1.740 for extension of a patent term.

**Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1463**

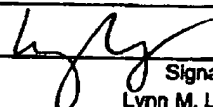
For petitions filed under:

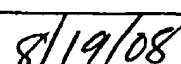
- § 1.12 - for access to an assignment record.
- § 1.14 - for access to an application.
- § 1.47 - for filing by other than all the inventors or a person not the inventor.
- § 1.98 - for expungement of information.
- § 1.163(a) - to suspend action in an application.
- § 1.136(b) - for review of a request for extension of time when the provisions of section 1.136(a) are not available.
- § 1.295 - for review of refusal to publish a statutory invention registration.
- § 1.296 - to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.
- § 1.377 - for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.
- § 1.550(c) - for patent owner requests for extension of time in *ex parte* reexamination proceedings.
- § 1.956 - for patent owner requests for extension of time in *inter partes* reexamination proceedings.
- § 5.12 - for expedited handling of a foreign filing license.
- § 5.15 - for changing the scope of a license.
- § 5.25 - for retroactive license.

**Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1484**

For petitions filed under:

- § 1.19(g) - to request documents in a form other than that provided in this part.
- § 1.94 - for accepting color drawings or photographs.
- § 1.91 - for entry of a model or exhibit.
- § 1.102(d) - to make an application special.
- § 1.138(c) - to expressly abandon an application to avoid publication.
- § 1.313 - to withdraw an application from issue.
- § 1.314 - to defer issuance of a patent.

  
 Signature  
 Lynn M. Linkowski  
 Typed or printed name

  
 Date  
 47, 320  
 Registration No., if applicable

This collection of information is required by 37 CFR 1.17. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 5 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Docket No.: 564462001821/D1370-4US  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Jay M. SHORT

Patent No.: 6,720,014

Issued: April 13, 2004

For: PHYTASE-CONTAINING FOODSTUFFS  
AND METHODS OF MAKING AND USING  
THEM

**PETITION FOR CORRECTION OF INVENTORSHIP OF PATENT**  
**PURSUANT TO 37 C.F.R. § 1.324**

**MAIL STOP: PETITIONS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is a petition for correction of error in the misjoinder of Keith A. KRETZ as inventor in the above issued patent. It is respectfully requested that this petition be granted and this file forwarded to the Certificate of Corrections Branch for issuance of a certificate correcting the error, to delete Keith A. KRETZ.

Enclosed herewith is:

I. A statement under 37 C.F.R. § 1.324(b)(2) from Jay M. Short, stating he has no disagreement to the change of inventorship, and the error occurred without any deceptive intention on his part.

08/20/2008 VBUI11 00000043 500661 09580515  
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08-19-2008

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Docket No.: 564462001821/D1370-4US

2. A statement under 37 C.F.R. § 1.324(b)(2) from Keith A. Kretz, who is being deleted as inventor, stating the error occurred without any deceptive intention on his part and he has no disagreement with the change in inventorship.

3. A statement under 37 C.F.R. § 1.373(b), establishing right of assignee to take action.

4. Written consent of the assignee under 37 C.F.R. § 1.324(b)(3).

5. Substitute Declaration for Patent Application.


6. Completed PTO/SB/44, Certificate of Correction.

Authorization is hereby made to charge the amount of \$130.00 to Deposit Account No. 500661. The Commissioner is hereby authorized to charge any other fees that may be associated with this communication, or credit any overpayment to Deposit Account No. 500661.

Respectfully submitted,

Date:

8/19/08

  
Lynn Linkowski  
Reg. No. 47,320  
Telephone: 858-526-5450  
Fax: 858-526-5796

Verenium Corporation  
Intellectual Property Department  
4955 Directors Place  
San Diego CA 92121

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Docket No.: 564462001821/D1370-4US  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Jay M. SHORT

Patent No.: 6,720,014

Issued: April 13, 2004

For: PHYTASE-CONTAINING FOODSTUFFS  
AND METHODS OF MAKING AND USING  
THEM

**STATEMENT BY JAY M. SHORT IN SUPPORT OF REQUEST FOR CORRECTION OF  
INVENTORSHIP PURSUANT TO 37 C.F.R. § 1.324(b)(2)**

Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

I, Jay M. SHORT, declare as follows:

- 1) I reside at 12985 Via Esperia, Del Mar, California, 92014;
- 2) I am the sole inventor of U.S. Patent No. 6,720,014, entitled PHYTASE-CONTAINING FOODSTUFFS AND METHODS OF MAKING AND USING THEM, filed on May 25, 2000, and issued on April 13, 2004; and I have no disagreement to the change of inventorship, deleting Keith A. KRETZ's name; and
- 3) This error in inventorship occurred without any deceptive intent on my part.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or

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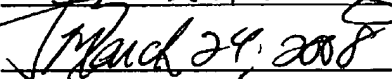
Docket No.: 564462001821/D1370-4US

imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Jay M. SHORT

Signature:

Date:

sd-351992

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Docket No.: 564462001821/D1370-4US  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Jay M. SHORT

Patent No.: 6,720,014

Issued: April 13, 2004

For: PHYTASE-CONTAINING FOODSTUFFS  
AND METHODS OF MAKING AND USING  
THEM

**STATEMENT BY KEITH A. KRETZ IN SUPPORT OF PETITION FOR CORRECTION  
OF INVENTORSHIP PURSUANT TO 37 C.F.R. § 1.324(b)(2)**

Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

I, Keith A. KRETZ, declare as follows:

- 1) I reside at 973 Hawthorne Court, San Marcos; CA 92069;
- 2) I was mistakenly included as an inventor of an invention claimed in the above-referenced patent, U.S. Patent No. 6,720,014, entitled PHYTASE-CONTAINING FOODSTUFFS AND METHODS OF MAKING AND USING THEM , filed May 25, 2000, and issued on April 13, 2004, and I have no disagreement to the change of inventorship deleting Keith A. KRETZ's name; and

- 3) this error in inventorship occurred without any deceptive intent on my part.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and that these statements were

sd-361991

Docket No.: 564462001821/D1370-4US

made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Keith A. KRETZ

Signature:

Keith A. Kretz

Date:

4/8/08

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08-19-2008

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**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: Jay M. ShortApplication No./Patent No.: US6720014 Filed/Issue Date: Apr. 13, 2004

Entitled: PHYTASE-CONTAINING FOODSTUFFS AND METHODS OF MAKING AND USING THEM

VERENIUM, a CORPORATION

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest  
(The extent (by percentage) of its ownership interest is \_\_\_\_\_ %)

in the patent application/patent identified above by virtue of either:

A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

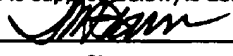
1. From: Jay Short, Keith Kretz To: Diversa Corporation  
The document was recorded in the United States Patent and Trademark Office at  
Reel 011169, Frame us09, or for which a copy thereof is attached.
2. From: Diversa Corporation To: Verenium Corporation  
The document was recorded in the United States Patent and Trademark Office at  
Reel 020218, Frame us10, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at  
Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

	<u>May 08, 2008</u>
Signature	Date
<u>William H. Baum</u>	<u>858-526-5110</u>
Printed or Typed Name	Telephone Number
<u>Executive Vice President, Business Development</u>	
Title	

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**AUG 19 2008**

Docket No.: 564462001821/D1370-4US  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Jay M. SHORT

Patent No.: 6,720,014

Issued: April 13, 2004

For: PHYTASE-CONTAINING FOODSTUFFS  
AND METHODS OF MAKING AND USING  
THEM

**CONSENT OF ASSIGNEE FOR PETITION**  
**TO CORRECT INVENTORSHIP PURSUANT TO 37 C.F.R. § 1.324(b)(3)**

Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Verenium Corporation is the assignee of the above-captioned patent application as recorded in the Patent and Trademark Office at Reel 020218, Frame 0510. Verenium Corporation is fully aware of the Petition to Correct Inventorship to delete Keith A. KRETZ as a co-inventor. Accordingly, Verenium Corporation consents to the change in inventorship.

Verenium Corporation

Signature: 

Name: William H. Baum

Title: Executive Vice President  
Business Development

Date: May 06, 2008

**RECEIVED-USPTO**  
**PATENT APPLICATION**

**AUG 21 2008**

sd-352063

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Attorney Docket No.: 564462001821/D1370-4US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DECLARATION FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

PHYTASE-CONTAINING FOODSTUFFS AND METHODS OF MAKING AND USING THEM

the specification of which was filed on May 25, 2000 as Application No. 09/580,515, issued on April 13, 2004, as Patent No. 6,720,014.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by an amendment, if any, specifically referred to herein.

I acknowledge the duty to disclose all information known to me that is material to patentability in accordance with Title 37, Code of Federal Regulations, § 1.56.

FOREIGN PRIORITY CLAIM

I hereby claim foreign priority benefits under Title 35, United States Code § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

☒ no foreign applications have been filed

☐ foreign application have been filed as follows:

EARLIEST FOREIGN APPLICATION(S), IF ANY FILED WITHIN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

Application Number	Country	Date of Filing	Priority Claimed Under 35 USC 119
			Yes No

ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS  
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

Application Number	Country	Date of Filing

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AUG 21 2008

Attorney Docket No.: 564462001821/D1370-4US

## CLAIM FOR BENEFIT OF EARLIER U.S. PROVISIONAL APPLICATIONS

I hereby claim priority benefits under Title 35, United States Code §119(e), of any United States provisional patent application(s) listed below:

☒ no U.S. provisional applications have been filed.

☐ U.S. provisional application have been filed as follows:

Application Number	Date of Filing	Priority Claimed Under 35 USC 119
		Yes No

## CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S)

I hereby claim the benefit under Title 35, United States Code, §120 of the United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose all information that is material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56 which became available to me between the filing date of the prior application and the national or PCT international filing date of this application:

☐ no U.S./PCT applications have been filed.

☒ U.S./PCT application have been filed as follows:

Application Number	Date of Filing	Status (Patented/Pending/Abandoned)
09/318,528	May 25, 1999	Patented
09/291,931	April 13, 1999	Patented
09/259,214	March 1, 1999	Patented
08/910,798	August 13, 1997	Patented

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint:

All practitioners at Customer Number 45975

all of **Morrison & Foerster LLP**, 3811 Valley Centre Drive, Suite 500, San Diego, California 92130, jointly, and each of them severally, my attorneys at law/patent agent(s), with full power of substitution, delegation and revocation, to prosecute this application, to

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sd-215226

Attorney Docket No.: 564462001821/D1370-4US

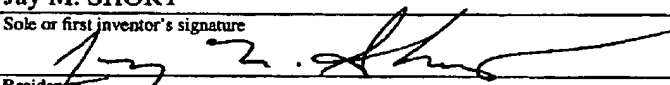
make alterations and amendments therein, to receive the patent, and to transact all business in the U. S. Patent and Trademark Office connected therewith.

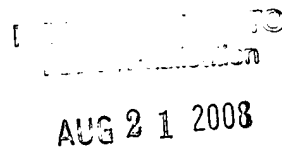
Please mail all correspondence to Brenda J. Wallach, Ph.D., whose address is:

**Morrison & Foerster LLP**  
3811 Valley Centre Drive, Suite 500  
San Diego, California 92130

Please direct telephone calls to: **Gregory P. Einhorn**. at (858) 720-5133.

Please direct facsimiles to: (858) 720-5125

Full name of sole or first inventor <b>Jay M. SHORT</b>	
Sole or first inventor's signature 	Date <b>March 24, 2008</b>
Residence <b>Del Mar, California</b>	
Citizenship <b>US</b>	
Mailing Address  <b>12985 Via Esperia Del Mar, California 92014</b>	

  
AUG 21 2008

PTO/SB/44 (09-07)

Approved for use through 08/31/2010. OMB 0651-0033

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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(Also Form PTO-1050)**UNITED STATES PATENT AND TRADEMARK OFFICE  
CERTIFICATE OF CORRECTION**Page 1 of 1

PATENT NO. : 6,720,014  
APPLICATION NO.: 09/580,515  
ISSUE DATE : Apr. 13, 2004  
INVENTOR(S) : Jay M. Short

It is certified that an error appears or errors appear in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

Page 1, section "(75) Inventors: Jay M. Short, Rancho Santa Fe, CA (US); Keith A. Kretz, San Marcos, CA (US)" should be changed to --(75) Inventor: Jay M. Short, Del Mar, CA (US)--

**MAILING ADDRESS OF SENDER (Please do not use customer number below):**

Verenium Corporation  
P.O. Box 910550  
San Diego, California 92191-0550

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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